

BRE Tribute Vehicle Program
Brock Racing Enterprises Personal Use (Non-Commercial) Trademark Q&A

Q: What is the BRE Tribute Vehicle Program?

A: The most common, and publicly visible, personal use of the BRE trademarks are clone cars of the original BRE race cars. BRE has created a simple program to help people be licensed to use the BRE trademarks for such personal use called the Tribute Vehicle Program. Being licensed provides BRE the protections it needs to maintain ownership of our trademarks and provides car owners:

- 1) Access to BRE for detailed information on how to create or maintain their cars in the BRE livery including car colors, graphics layouts, decals, etc.
- 2) The right to use BRE's trademarks
- 3) Two special BRE Tribute Vehicle decals that can be placed on licensed cars to indicate BRE agrees they have a very cool car and an official Certificate, signed by Peter Brock.

Q: Why was the Tribute Vehicle Program created?

A: First, we love BRE fans and their enthusiasm for all things BRE, including making their cars cool by emulating the BRE livery. In licensing our trademarks commercially however, it came to our attention that the public's personal use of our trademarks (e.g. creating a car with the BRE livery) was creating confusion with commercial users regarding BRE's ownership. We needed to clarify this for commercial users of BRE trademarks and at the same time we still wanted people to have fun with our history. Consequently we created the Tribute program as an easy way to:

- 1) clarify to the courts and to companies that use our trademarks commercially (e.g. companies that make models) that we still own our trademarks even though we're allowing people to have fun using them on their personal cars,
- 2) give people in the program visibility for their relationship with BRE via the cool Tribute Decals and Certificate, and
- 3) help people in the program create an accurate clone car so the BRE image of quality is upheld.

Q: What is the fee for the Tribute Program?

A: There is a one-time fee of \$65 to become licensed, receive the Tribute decals and Certificate and have access to BRE for questions about your car.

Q: Is anyone currently licensed under the Tribute Program?

A: Yes. Not only are many people already in the program but we've gotten very positive responses to it. Here are a couple of comments from participants: "I can't tell you how much I appreciate and enjoy our correspondence. Please pass on my thanks to Peter and Gayle for their involvement in this, it just adds to



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my enjoyment of this project knowing the two of them followed and assisted me along the way. I am very appreciative and honored.”

Q: What trademarks do Brock Racing Enterprises (BRE) own?

A: BRE is the owner of the BRE logo and the BRE race car graphics (e.g. placement of colors, stripes, graphics)

Q: If I’m using the BRE trademarks, or intend to, is there anything I should do?

A: If your use of the BRE trademarks is visible to the public and you are not already licensed by BRE to use BRE’s name or trademarks, please contact BRE at info@bre2.net or 702-558-3374. We appreciate you wanting to continue the BRE legacy and will work with you to become licensed in a way which accomplishes both your goals and ours and hopefully have fun doing so.

Q: If I’m only using the BRE trademarks for personal use, do I still need to be licensed to use them?

A: There are three primary reasons you should be licensed if your personal use is visible to the public:

1) For it to be clear to the courts and commercial users of our trademarks that your use doesn’t negate BRE’s ownership of the BRE marks and that you’re not claiming ownership of them for yourself.

2) To have it understood, in the litigious environment of today’s world, that you use the BRE trademarks by your own choice and at your own risk. We want you to have fun with our history but we can’t take on the liability burden for whatever might happen while you’re using our trademarks. There are lots of crazy examples out there, like the car that fell off a transporter and the accident victim who sued every name that was on the car. We’re not trying to limit your use, or your enjoyment, we’re just trying to clarify BRE’s ownership and responsibility when you use our trademarks.

3) By being licensed with BRE you have direct access to us for any questions or help you might need with your project.

Q: What has some of the confusion been regarding the BRE trademarks?

A:

Fiction: “BRE’s rights to their trademarks would be expired by now”.

Truth: The differences between trademarks and copyrights are often confused. Copyrights can expire but Trademarks don’t expire. They can only be abandoned and BRE has never abandoned its trademarks.

Fiction: “You can’t own the trademark to a car’s livery”

Truth: The test of a trademark that applies to the BRE livery is distinctiveness, use and public recognition. As you know, the BRE logo and BRE race car liveries have all three in spades. Examples of



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other trademarks are that Coca-Cola owns the trademark on the shape of their bottles. Believe it or not, UPS owns the trademark to the “color brown”.

Fiction: “I created my car in 2004, prior to the Tribute program, so it wouldn’t apply to me”

Truth: BRE has owned its trademarks since it started using them commercially in 1967. Any use of the BRE trademarks since then falls under BRE’s ownership.

Fiction: I live outside of the U.S. My use doesn’t affect U.S. Trademarks.

Truth: If you have a clone of a BRE car that is seen by the public, no matter where it resides you are representing BRE. For BRE to maintain ownership of our trademarks in the U.S. we need the use of our trademarks to be licensed, no matter where the car resides. This not only protects our trademarks in the US but protects our rights to our trademarks should we decide to apply for registered trademark status in a country outside of the US. Signing an agreement with BRE does not negate any rights an owner may have within their own country but it does help us maintain BRE’s trademarks here in the U.S.

Q: I don’t have a clone car but I use the BRE logo and/or BRE car graphics commercially (e.g. as part of a product I sell). How does this pertain to me?

A: This personal use agreement doesn’t pertain to your use. You need to be licensed for commercial use. Please contact BRE and we will work with you to create a commercial license which fits your business situation.

Q: How do I find out more information?

A: We want this to be a positive experience for BRE enthusiasts and have gotten lots of good feedback from participants. If you have any questions or concerns we want to know. Send e-mail to info@bre2.net or call 702-558-3374.

Q: How do I become part of the Tribute Program?

A: Send e-mail to info@bre2.net, or call 702-558-3374, with details about your use of our trademarks (photos are greatly appreciated). We’ll either send you the Tribute Program license to review, or we’ll get back to you with any questions we have, or we’ll let you know why the Tribute Program doesn’t apply to your car at this time.

Thank you for helping us ensure BRE continues to represent what Peter Brock began over four decades ago!



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